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May 23, 2022

BY ECF

The Honorable Valerie Figueredo
United States Magistrate Judge
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, New York 10007-1312

**Re: *The Federal Republic of Nigeria v. VR Advisory Services, Ltd., et al.*,
Case No. 1:21-MC-00007 (S.D.N.Y.)**

Dear Judge Figueredo:

We are counsel to respondents VR Advisory Services, Ltd., VR Advisory Services (USA) LLC, VR Global Onshore Fund, L.P., VR Argentina Recovery Onshore Fund II, L.P., Jeffrey Johnson, and Ashok Raju (together, the “VR Respondents”) in connection with the above-captioned application (the “Application”) by the Federal Republic of Nigeria (“Nigeria”) under 28 U.S.C. § 1782 (“Section 1782”). In light of recent developments in a related proceeding in this District, we write pursuant to the Court’s Individual Practices in Civil Cases Rule I(e) to request an adjournment of the telephonic oral argument scheduled for May 31, 2022. Nigeria’s counsel consents to this adjournment.

Nigeria’s Application seeks nearly the exact same relief, and from the exact same parties, as it is currently obtaining through another Section 1782 application in this District. *The Federal Republic of Nigeria, et al. v. VR Advisory Services, Ltd., et al.*, 1:20-mc-00209 (S.D.N.Y.) (Engelmayer, J.) (“First Application”). Nigeria seeks this Court’s permission to take discovery in aid of Nigeria’s litigation in England against Process & Industrial Developments Limited (“P&ID”), but discovery is already underway in connection with P&ID’s dispute with Nigeria under the supervision of Judge Engelmayer. The VR Respondents have been ordered to make their first production of documents in that action by June 1, 2022—the day after oral argument is scheduled in this action. See Stipulation and Order Concerning the Production of Information and Documents, *First Application*, ECF 50 (S.D.N.Y. May 2, 2022) (**Exhibit A**). Nigeria will be entitled to use that discovery in the English proceedings at issue here, *The Federal Republic of Nigeria v. Process & Industrial Developments Ltd.* (CL-2019-000752) and *Process & Industrial Developments Ltd. v. The Federal Republic of Nigeria* (CL-2018-000182) (together, the “English

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Proceedings"). See Stipulated Protective Order, *First Application*, ECF 54 at 6 (S.D.N.Y. May 9, 2022) (**Exhibit B**). Given these developments, the VR Respondents respectfully request that the Court adjourn the oral argument for at least 35 days.

This is the first request for an adjournment of this oral argument, and Nigeria's counsel consents to the adjournment. The VR Respondents propose that argument be adjourned to any time on July 6, 7, 8, 11, or 12, on which all counsel are available.

Respectfully submitted,

/s/ Darryl Stein

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If The Federal Republic of Nigeria (the "Applicant") is obtaining the discovery it seeks in the Section 1782 application here in a separate proceeding before Judge Engelmayer (21 MC 00209), then the application filed in this case appears to be moot or, at a minimum, seeks duplicative and cumulative material. The in-person conference scheduled for May 31, 2022 (see ECF No. 30) is canceled. By **Friday, May 27, 2022**, Applicant is ordered to submit a letter to the Court explaining why the application should not be dismissed as moot, given the status of ongoing discovery in Judge Engelmayer's case.



VALERIE FIGUEREDO

United States Magistrate Judge

Dated: 5-24-2022